

**SPECIAL MEETING
BOARD OF MAYOR AND ALDERMEN
(PUBLIC HEARING – REZONING)**

April 7, 2003

7:00 PM

Mayor Baines called the meeting to order.

Mayor Baines called for the Pledge of Allegiance, this function being led by Alderman Gatsas.

A moment of silent prayer was observed.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard,
O’Neil, Lopez, Shea, Garrity, Smith, Forest.

Absent: Aldermen DeVries and Thibault

Mayor Baines advised that the purpose of the special meeting is to hear those wishing to speak in favor of or in opposition to proposed Zoning Ordinance change; that the Clerk will present the proposed Zoning Ordinance change for discussion at which time those wishing to speak in favor will be heard, followed by those wishing to speak in opposition; that anyone wishing to speak must first step to the nearest microphone when recognized and recite his/her name and address in a clear, loud voice for the record; that each person will be given only one opportunity to speak; and any questions must be directed to the Chair.

Mayor Baines requested that the Clerk present the proposed Zoning Ordinance change:

“Amending the Zoning Ordinance of the City of Manchester by extending the Central Business District zone (CBD) into an area currently zoned Redevelopment (RDV) in the area known as Singer Park generally bounded by the Merrimack River on the west, the end of South Commercial Street on the north, the B&M rail yard on the east and the Goffstown Branch of the B&M (also known as the Trestle Bridge) on the south.”

Mayor Baines requested that Robert MacKenzie, Director of Planning, make a presentation.

Mr. MacKenzie stated thank you Your Honor and good evening honorable board members. I will be brief tonight. This is a fairly straightforward rezoning request. You can see on the map that the Central Business District (CBD) zoning currently exists on much of the Elm

Street area. The Singer Park area, which I'm outlining here, is currently RDV, which is Redevelopment, which is primarily an industrial zone. The proposal would extend the CBD zoning down to include what we know as the Singer Park area, and again for your reference, this is the Langer building, this is the former Bradlee building, and the site would include everything, this is the end of South Commercial Street. Everything to the south, west of the railroad tracks, and the trestle bridge is right here, and northerly of the trestle bridge. The CBD does provide more flexibility for large mixed-use development. It allows housing, retail, office, cultural uses, and hotels as proposed in this particular site. There is a proposed peaking power plant; the area where the peaking power plant is would be south of the trestle area that would be left RDV where it is allowed. That's an industrial type use. So that area south of the trestle would not become CBD. The CBD does allow a higher floor area than the other districts. It would allow high rise buildings, as being proposed for the two residential buildings, and it would allow a fairly high density of uses. It also does not require any parking. The parking in this case would be tailored to the specific needs of that proposed development. At this point I'm keeping it brief, I would be happy to answer any questions of the board.

Alderman Wihby stated Bob see that circular...is that a street, is that what that is? Or a zoning line?

Mr. MacKenzie replied that's actually an old railroad track at the Manchester Gas facility.

Alderman Wihby said all right, so that whole section is RDV not inside that circle? Same thing with the top CBD.

Mr. MacKenzie answered yes, this is actually the zoning line between the...

Alderman Wihby continued and the central business district, you know how they pay that fee?

Mr. MacKenzie answered yes, that's actually a separate district, that's the Central Business Service District, the CBSD. It's not related to this. The board could consider at a later time extending that into this area, but it's separate.

Alderman Lopez asked for clarification on that Your Honor. The same question...the CBD tax, are you saying that's not part of this? I understand that they have to pay it.

Mr. MacKenzie replied currently, I'll draw the line where...that's not a zoning provision. That's a...currently the line for the CBSD runs through what would be a piece of the hotel. I believe the applicant is willing to consider having that CBSD extended into this area. I spoke briefly with the gentlemen that's putting together the proposal and he indicated that he

may be willing to encourage the board to extend, which would provide additional funds to basically Intown Manchester.

Alderman Lopez asked is that his option?

Mr. MacKenzie answered no; it's the board's option.

Alderman Lopez added our option to extend it, period.

Mr. MacKenzie replied yes.

Alderman Lopez asked and he has to pay the tax?

Mr. MacKenzie replied yes.

Alderman Guinta stated thank you for clarifying the difference, but explain to me why it's necessary first to expand the CBD.

Mr. MacKenzie responded in the RDV a couple of the uses are not allowed. For example, the hotel and the retail space would not be allowed. Second part of it is that the RDV would not allow the density of development that's being planned. So you have two high rise residential structures and quite a bit of restaurant and retail space. The floor area that's allowed under the CBD is not allowed under the current RDV. So to do the project as you've seen it, as proposed, would require this change.

Alderman Guinta asked and at what point would it be appropriate to consider increasing the service district to include this area. Because I'd prefer to do that sooner rather than later.

Mr. MacKenzie replied the board will have a chance fairly soon as part of the budget adoption process. There's a separate resolution that continues the district and sets the fees, so there is on the table right now a continuation and the board has the opportunity at that point to extend the district. So within the next 30 to 45 days the board can take an action on that.

Alderman Guinta asked that's a separate resolution that's already on a future agenda?

Mr. MacKenzie replied right.

Alderman Guinta asked not for April though, but...

Mr. MacKenzie replied it's currently tabled on the Finance Committee agenda. There were several...

Alderman Guinta asked so it's not ready to come to the board yet?

Mr. MacKenzie replied yes.

Mayor Baines stated it's on the Finance Committee agenda. It's been tabled. It will come up again.

Alderman Shea stated most of the questions have been answered. The only one I have is about the power plant; the present plant site is not included. Someone had mentioned that if a second one were built, would that be also built in an area that would not be included in the central business district, Bob? Or would that be...

Mr. MacKenzie replied yes. As I understand it the packages that these plants are, are relatively small and they would put the two plants right together. But both of those would be located below this line right here.

Alderman Shea said thank you that answers my question.

Alderman Forest asked the Langer building is in AMX. What does AMX mean?

Mr. MacKenzie replied AMX is Amoskeag Millyard mixed use and that was primarily tailored to the unique character of those mill buildings.

Alderman Forest stated I was walking out there the other day, there is a restaurant there, so that's allowed there in that AMX district?

Mr. MacKenzie answered yes in that AMX district.

Alderman Wihby asked is the CBD area everywhere what we're doing today, covered under the CBS tax, or is there other areas where it's not?

Mr. MacKenzie answered they are not identical. The CBDSD does extend into areas up toward Pine Street or Chestnut Street that's outside of the CBD.

Alderman Wihby asked is there any CBD that's not paying the CBS. Or there's more CBS. Mr. MacKenzie replied there's more CBDSD than there is CBD.

Alderman Wihby stated and Your Honor the second thing is, and some of the Aldermen asked earlier, I know we can't vote to do anything, instead of sending it to Bills of Second Reading, can we send it to the full board for the next meeting rather than going to Bills of Second Reading.

Mayor Baines responded right, I checked with the Clerk and he said that would be OK to do. So through the whole process we could make a motion that it be sent to the full board.

Alderman O'Neil stated Your Honor I just want caution my colleagues that it wasn't too long ago that we actually reduced the size of the central business service district because in fact they were not providing services to that portion of the district and my colleague from Ward 2 might remember those days. So I think we need to caution, than just jumping in and saying we're going to put this as part of the central business service district, we should make sure that in fact Intown will provide services to these people because we found in the past they aren't able to serve the entire district and we found an injustice especially up in the north end of the district with it. So I would just caution my colleagues on that. Thank you Your Honor.

Alderman Guinta stated unless there's further discussion I would just move for a vote.

Mayor Baines stated no we have to go through a process...we have to have a public hearing. Are there any questions before we move to the public hearing part of the meeting?

Mayor Baines called for those wishing to speak in favor.

Joseph Kelly Levasseur stated I am the owner of a building in downtown Manchester's Central Service Business District located at 866 Elm Street, and I'm in favor of the changing of the zoning of this property with a caveat and I'm glad that there was some discussion on this, in particular Alderman O'Neil's point is well taken since I was on the board with him at the time. But I do think that that area should be included in the Central Service Business District and should also pay the additional tax that the rest of us are paying in the Central Service Business District. And as far as whether the Intown could afford to clean that area up, I think that area's going to probably need a lot more attention just like the civic center has, and I think the civic center has done a great job of keeping that area clean. And I think that Intown has done a good job keeping the area clean, and I would like to see that area kept as clean because it's going to have a lot of traffic if it eventually goes through. So I would appreciate as an owner of three properties in the Central Service Business District that is already paying tax, that they join in paying that tax with us. It would probably provide a little bit of relief for some of the smaller business that are already paying that, if they paid in it would be a less burden on other business owners and property owners in that district also. So I hope you take that into consideration when you make that vote. Thank you very much.

Mayor Baines called for those wishing to speak in opposition.

Mayor Baines advised that all wishing to speak having been heard, the testimony presented will be referred to the full board and a report made to the full board.

On a motion of Alderman Guinta, duly seconded by Alderman Pinard, it was unanimously voted to suspend the rules and refer the ordinance to the full Board for adoption without referral to the Committee on Bills in Second Reading.

This being a special meeting of the Board, no further business was presented, and on motion of Alderman Smith, duly seconded by Alderman Shea, it was voted to adjourn.

A True Copy. Attest.

City Clerk